

REMARKS

Claims 1, 2, 4-9, and 11-14 are pending in the present application. Claims 1, 4, 5, 8, 11, and 12 have been amended hereby. Claims 3 and 10 have been cancelled, without prejudice or disclaimer. Claims 1 and 8 are in independent form. Favorable reconsideration is requested.

The specification has been amended to change the title and to address the informalities pointed to in the Office Action. Accordingly, withdrawal of the objection to the specification is respectfully requested.

Reconsideration is respectfully requested of the rejection of Claims 1-4, 7-11, and 14 under 35 U.S.C. §102(e), as being anticipated by U.S. Patent Publication No. 2004/0136368 ("Wakayama"); and of the rejection of Claims 5, 6, 12, and 13 under 35 U.S.C. §103(a), as being obvious over Wakayama in view of U.S. Patent No. 6,606,316 ("Albert").

Wakayama, as best understood, discloses a packet transmitting apparatus wherein for the purpose of implementing uniform allocation in proportion to actual traffic conditions, the amount of packets passing through an interface is counted and the header information of the packets is analyzed, whereby based on the analysis and the amount of packets, the amount of packets to be received by a plurality of interfaces in predicted and based on the amount of packets predicted the interfaces for transmitting the packets are selected. See Claim 1 and paragraph [0081] of Wakayama, for example.

It is respectfully submitted that Wakayama fails to teach or suggest "the first step sets in a first table a packet type, an error type, and a pattern extraction position within a received packet corresponding to those types, sets in a second table a retrieval pattern corresponding to the pattern extraction position; and the second step determines that the pattern has been retrieved when a pattern of the received packet is retrieved based on the pattern extraction position, and

the retrieved pattern is matched with the retrieval pattern set in the second table,” as recited in amended independent Claim 1.

In contrast, the statistic information extracting method or device according to the present invention is fundamentally different from Wakayama’s apparatus. It appears that Wakayama was cited because it describes “statistic information” for packets received. It is respectfully submitted that while Claim 1 uses the word “pattern” to which a user policy is reflected, this use is not equivalent to Wakayama’s combination of Source Address and Destination Address to be modified and retrieved by a user policy.

Further, the aforementioned features of Claim 1 enable a part of a header of a packet to be retrieved, in contrast, Wakayama has to retrieve the overall header of the packet.

Thus, Claim 1 is submitted to be patentably distinct over Wakamaya.

Claim 8 recites features similar in many respects to the features discussed above with respect to Claim 1, and for at least the very same reasons, it is submitted to be patentably distinct over Wakamaya.

Albert fails to cure the deficiencies of Wakamaya.

Accordingly, it is respectfully submitted that amended independent Claims 1 and 8, and the claims depending therefrom, are patentably distinct over the cited references, alone or in any possible combination.

In view of the amendments and remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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